

Appl. No. 10/618,187
Amdt. dated February 1, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1763

PATENT

Amendment(s) to the Drawings:

The attached sheet of drawings includes changes to Fig. 7. This sheet, which includes Fig. 7, replaces the original sheet including Fig. 7.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 13-29 are pending the application, have been examined, and now stand finally rejected by the Examiner. Claims 13, 14, 17 and 21 are amended. New claims 22-29 are added.

Examiner Interviews

Applicants thank Examiner Arancibia for the courtesy extended during a telephonic interview conducted on January 24, 2007, in which the Examiner and the Applicants' undersigned representative participated. The merit of the § 102(b) rejection of claim 13 was discussed. Applicants also noted that the current § 112 rejections of claims 16 and 17 were directed to subject matter in the claims as originally filed and that no rejection was made until the second office action. No agreement was reached.

Applicants Examiner Arancibia and Supervisory Patent Examiner Hassanzadeh for the courtesy extended during a telephonic interview conducted on January 29, 2008, in which the Applicants undersigned representative participated. A proposed amendment to claim 13 was discussed, and the § 102(b) rejection of claim 13 based on USPN 5,555,717 (hereinafter "Zhao") was discussed. Agreement was reached that proposed claim 13 was not anticipated by Zhao.

Drawings

In an office action mailed October 1, 2007 (hereinafter "Office Action"), the Examiner objected to the drawings, including Fig. 7, for failing to comply with 37 CFR 1.84(p)(5), as not including that reference sign 90 mentioned in the description. Accordingly, Applicants submit a replacement drawing to correct this informality. [Office Action, page 2] As this reference sign was included in the application as originally filed on July 10, 2003 (hereinafter "Application"), no new matter has been introduced.

Claim Rejections - 35 USC §112

Claims 17, 18, and 21 were rejected under 35 USC 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. [Office Action, page 2]

As the Examiner certainly knows and appreciates, 35 USC 112, second paragraph, requires claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. [MPEP § 2173.02]

With respect to claims 17 and 18, the Examiner stated,

Claim 17 recites the limitation "the plurality of adjustment locations *on* the leveling plate" in Lines 3-4. There is insufficient antecedent basis for this limitation in the claim. Claim 13, from which Claim 17 depends, recites "separate adjustment locations distributed *over* the leveling plate" in Lines 14-15. Thus, Claim 13 does not provide antecedent basis for a recitation of adjustment locations *on* the leveling plate. [Office Action, pages 2-3]

Amended claim 13 recites, in addition to other claim elements, separate adjustment locations distributed on the leveling plate, and amended claim 17 recites the separate adjustment locations distributed on the leveling plate, such that claim 13 provides antecedent basis for claim 17 and this rejection is overcome. Claim 18 depends on claim 17 and the rejection of 18 is similarly overcome.

With respect to claim 21, the Examiner has stated,

The recitation in Claim 21 of "a corresponding adjustment location" is unclear, since it could refer to the "separate adjustment locations distributed over the leveling plate" or "the plurality of corresponding adjustment locations on the substrate support surface" recited in claim 13. [Office Action, page 3]

Amended claim 21 recites, in addition to other claim elements, that the substrate support comprises a diameter, and each of the at least three measurement locations is separated from one of the separate adjustment locations by a distance of no more than 10% of the diameter of the substrate support, such that claim 21 defines the patentable subject matter with a reasonably degree of particularity and distinctness, per MPEP § 2173.02.

Claim Rejections - 35 USC §102

Claims 13-21 were rejected under 35 USC 102(b) as anticipated by US 5,558,717. Applicants note that during the interview of January 29, 2008 agreement was reached proposed claim 13 is allowable over Zhao, as noted above. Amended claim 13 recites the same elements and is therefore allowable over Zhao. Claims 14-21 depend on claim 13 and are allowable for at least reasons similar to claim 13.

New Claims 22-29

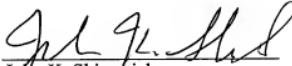
New claims 22-29 are allowable for reasons similar to claims 13-21.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an office action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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ANNOTATED DRAWING

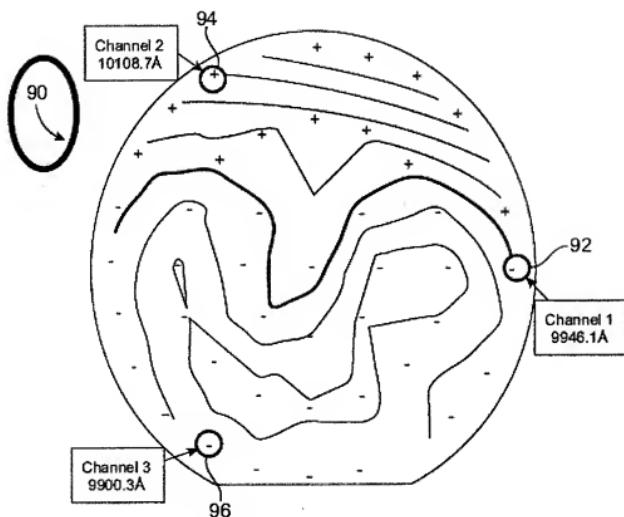


FIG. 7